

REMARKS

Discussion of Claim Rejections under 35 USC 103

Claims 1, 5-14, and 18-26 were rejected under 35 USC 103(a) as being unpatentable over Morioka (US Pat. No. 6,526,010) in view of Hars (US Pub. No. 2006/0230460). Claims 2-4 and 15-17 were rejected under 35 USC 103(a) as being unpatentable over Morioka and Hars in view of Guenebaud (US Pub. No. 2006/0053457).

In response, Applicant amended Claims 1 and 13, respectively incorporating the limitations of previously presented Claims 3 and 16 and, respectfully disagrees with the Examiner.

Claim 1

The amended Claim 1 provides that

A distorted contents generating apparatus comprising:

an initial value generation unit for generating an initial value used to generate a random number for a distorting filter;

a random number generation unit for generating a random number for the distorting based on the initial value transmitted from the initial value generation unit;

a filter generation unit for generating a distorting filter based on the initial value and the random number;

a data filtering unit for distorting original contents into distorted contents by filtering the original contents with the distorting filter;

an encoding unit for encoding the distorted contents output from the data filtering unit;

a signal insertion unit for encrypting the initial value information generated by the initial value generation unit and inserting the encrypted filter initial value into the distorted contents; ~~and~~

an image correction unit for inserting image correction information into the encoded distorted contents transmitted from the encoding unit;

a data determination unit for analyzing format information of the original contents; and

a configuration setting unit for determining a configuration setting value of the distorting filter based on the analyzed format information.

Guenebaud cannot be a reference to reject the claimed invention because its international filing date cannot be a US filing date under 35 USC 102(e).

35 USC 102(e) provides that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the *English language* (emphasis added). Therefore, to claim the benefit of an international application for prior art purposes, the international application must have been published under PCT Article 21(2) in *English*. See *MPEP 2136.03 II(A)*.

Here, Guenebaud was first filed in France on December 3, 2002 and published June 4, 2004 in the *language of French*. See *Attachment I*. In addition, its PCT international application was filed on November 13, 2003 and published under PCT Article 21(2) on June 24, 2004 in the *language of French*, and its US national stage application was filed on June 3, 2005. See *Attachments II and III*. Since Guenebaud's international application was published in French, *not English*, under PCT Article 21(2), the international filing date cannot be treated as a U.S. filing date and Buenebaud cannot be applied as of its earlier filing date to which such the international application claims benefit or priority. See *MPEP 2136.03 II(B)*.

On the other hand, the claimed invention' PCT international was published under PCT Article 21(2) in *English* and thus, the claimed invention is entitled to the priority date of December 11, 2003 under 102(c).

Therefore, Guenebaud cannot be a reference under 102(e) to reject the claimed invention.

Besides, even assuming Guenebaud is a reference, it does not teach or disclose the claimed invention. The Examiner noted that Morioka as modified teaches a data determination unit and a configuration setting unit (Guenebaud, Paragraph 0080, receiving data and descrambling). He continued to note that Morioka as modified teaches the data determination unit analyzes at least information of a screen size, the number of frames, a reproducing time, and a date amount per unit time of the original contents (Guenebaud, Paragraph 0080, receiving data and descrambling). However, the receiving data is to receive a digital data stream or encoded input signal, and the descrambling means demultiplexing the digital data stream received. Thus,

receiving data and descrambling of Guenebaud have nothing to do with the data determination unit or the configuration setting unit of the claimed invention.

Therefore, Guenebaud does not teach or disclose the claimed invention.

Therefore, the rejection should be withdrawn and Applicant respectfully submits Claim 1 is now patentable.

Claim 13

Claim 1 was amended to incorporate all the limitations of previously presented, but now canceled Claim 3, and Claim 13 was amended to incorporate all the limitations of previously presented, but now canceled Claim 16. Claim 16 is a process claim to use the elements of Claim 3 and thus, above arguments for Claim 1 applies to Claim 13 as well.

Therefore, the rejection should be withdrawn and Applicant respectfully submits Claim 13 is now patentable.

Other Claims

Other Claims depend on now patentable Claim 1 or Claim 13 and thus, Applicant respectfully submits those Claims are patentable as well.

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CONCLUSION

The applicant now believes that the rejections are obviated by this amendment, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectfully requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

Very truly yours,
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